

Application No. 10/032,336

0052718-0003

REMARKS

On December 18, 2003, applicants submitted an amendment as part of their Request for Continued Examination (RCE). The RCE was also filed on December 18, 2003. The amendment was responsive to the Final Office Action dated June 18, 2003 in the present application.

Applicants submit this Supplemental Amendment to cancel the previously amended claims 1 to 4 and 6 and add new claims 7-28. New claims 7-28 are not substantively different from the previously amended claims, now canceled. Thus, applicant's December 18, 2003 response to the Final Action mailed June 18, 2003 is applicable to the new claims herein. Also, the new claims are responsive to the Examiner's comments during a telephonic interview on December 15, 2003. Specifically, new claims 7-28 further define structures not shown nor suggested in the prior art of record.

1. Claim Amendments and Written Support Thereof

Claims 1-4 and 6 have been cancelled. Applicants added new claims 7-28. Applicant respectfully requests reconsideration of new claims 7-28 in the present patent application.

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Written support for the new claims can be found at Figures 1-3, for example. Additionally, written support for the new claims can be found at p.1, lines 9-20; p.4, lines 11-14; p.4, lines 23 to 30, for example.

2. Examiner's Objection to the Abstract

Examiner has objected to the abstract because of the inclusion of legal phraseology "means" and "said." Applicants have replaced the abstract with another. See applicants Amendment dated December 18, 2003. The new abstract does not recite the words "means" and "said." Thus, Applicants submit that the Examiner's objections to the abstract is overcome.

3. Examiner's Rejection of the Claims 1-6 Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph as being indefinite. Applicant has canceled claims 1-6.

4. Examiner's Rejection of Claims 1-6 under 35 U.S.C. § 102(b)

The Examiner had rejected original claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,738,159 issued to O'Brien ("O'Brien"). Previously, applicants amended claims 1-4 and 6 to recite additional structures not shown nor suggested in the prior art of record. By this amendment, such claims have been cancelled and replaced with new claims 7-28, which define structures not shown nor suggested in O'Brien, as discussed below.

New independent claims 7, 8, 9, 15, 19, 20 and 21 specify that fastening the "loops" onto the "buttons" is the only means by which the window treatment is removably secured in a raised

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or lowered position. The claimed window treatment is not raised or lowered by pull strings. Accordingly, the claims are distinguishable over the O'Brien reference in several respects.

For instance, the O'Brien window drapes are elevated and maintained in a desired position by pulling drawstrings. (See e.g., Figures 12 and 14; col. 6, lines 48-51; lines 59-62; and lines 64-67; col. 7, lines 4-10). In contrast, the claimed window treatment is elevated and then maintained in position by fastening the "loops" onto the "buttons". This constitutes the only means by which the claimed window treatment is raised and lowered in a desired position. Further, such engagement permits the partial or complete raising of the window treatment without removing the window treatment from its fixed position. (See specification, p.1, lines 34-37).

Further, the O'Brien loop (20) and button (22) are specifically used to facilitate suspension of the drape from a rod or other fixture. Such loops or buttons are not used to elevate and maintain portions of the drape in a raised position while the drape it is suspended. (See e.g., Figures 4, 10, 18 and 19). As previously mentioned, the O'Brien drapes are drawn by pulling drawstrings. Nowhere does O'Brien disclose the use of fastening buttons (22) onto loops (20) as a means to partially or completely raise the drape while it is suspended.

Claims 10-14, 16-18, and 22-28 are dependent claims. Such dependent claims do not enlarge the original scope of the independent claims from which they depend. Applicants submit, therefore, that dependent claims 10-14, 16-18 and 22-28 are patentable over the cited prior art for the same reasons independent claims 7, 8, 9, 15, 19, 20, and 21 are patentable over such prior art.

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CONCLUSION

For at least the foregoing reasons, applicant respectfully submits that pending claims 7-28 are patentably distinct from the prior art of record and in condition for allowance. Applicants therefore respectfully requests that the pending claims be allowed.

Respectfully submitted,

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